

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DENISE L. DAVIS

PLAINTIFF

v.

Civil No. 3:17-cv-03112

CIGNA HEALTH AND LIFE
INSURANCE COMPANY; LIFE
INSURANCE COMPANY OF NORTH
AMERICA; and FEDEX FREIGHT, INC.

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff has filed this case under the provisions of the Employee Retirement Income Security Act (ERISA). Plaintiff has filed a Motion for Leave to Proceed *In Forma Pauperis* (IFP). (ECF No. 3). The Motion has been referred to the undersigned. (ECF No. 4).

Review of the application indicates it should be denied for a number of reasons. First, Plaintiff has had substantial income in the last twelve months. Second, Plaintiff has more than \$5,000 in her checking account. Third, Plaintiff indicates she has a husband but has not listed his income. In short, it appears the Plaintiff has sufficient income and available funds to pay the \$400 filing fee.

I therefore recommend that the Motion to Proceed IFP (ECF No. 4) be DENIED. Plaintiff should be given a period of twenty days to pay the filing fee or the case will be summarily dismissed.

The Plaintiff has fourteen (14) days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The Plaintiff is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 6th day of December 2017.

/s/ Mark E. Ford
HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE